IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3444 OF 2006

Krishnat Bajirao Bhosale & anr. Applicants
versus
The State of Maharashtra Respondent

B.R.Patil for applicants.
Mrs.M.M.Deshmukh, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th September 2006

PC :

1. Shri Patil appearing for the applicants does not press this application for applicants 1 and 2 at this stage. The application is dismissed with liberty as far as applicant nos.1 and 2 are concerned, to apply at a subsequent stage.

2. The applicants were arrested on 20th May 2006 by Karvir Police Station, Kolhapur in connection with an offence registered at CR No.157 of 2006 under sections 302, 336, 427 r/w 34 of IPC.. The complainant is brother of deceased.

3. As far as applicants 3 and 4 are concerned, I

have perused the statements of the complainant copy of which has been annexed at page 8. While it is true that the allegation is that all four applicants were carrying swords and axe and dragged the deceased out of his house after pelting stones, the assault was by the applicants 1 and 2. Even recovery is made at the instance of applicant no.1. Applicants 3 and 4 were present but beyond the above, there is no participation or allegation as far as they are concerned in the entire incident.

4. Moreover, investigations are complete and charge sheet is filed. In such circumstances, applicant nos.3 and 4 deserve to be enlarged on bail. Hence following order.

5. ORDER :-

(i) Application in respect of applicant nos.1 and 2 is dismissed;

(ii) Applicant nos.3 and 4 shall be enlarged on bail in connection with C.R.No.157 of 2006 registered with Karvir Police Station, Kolhapur, subject to furnishing a personal bond of Rs.5,000/- (Rs.Five thousands only) each with one

or two local sureties in the like sum;

(iii) Applicant no. 3 will reside outside Sangrul Village Limits till conclusion of trial;

(iv) Applicant nos.3 and 4 shall furnish forthwith their residential addresses to the Investigating Authority before their release on bail. They shall not change their residence during pendency of trial without prior intimation to the Investigating Authority;

(v) Applicant no.3 shall report to the nearest Police Station of his new residence once in a fortnight till trial is concluded;

(vi) Applicant no.4 shall report once in a fortnight to Karvir Police Station, Kolhapur;

(vii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(viii) The applicant shall co-operate with the Trial Court for expeditious disposal of the

trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(ix) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(x) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)